

UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
-----x  
ATLANTIC CASUALTY INSURANCE COMPANY,

Index No.: 07 CV  
11264

Plaintiff

v.

VERIFIED ANSWER TO  
COMPLAINT

ELJIN CONSTRUCTION, JOHN MCGRAW,  
MARJORIE MCGRAY, AND JOAN GRANLUND,

DEFENDANT DEMANDS  
TRIAL BY JURY

Defendants  
-----x

Defendant, Joan Granlund, by her attorneys, EUSTACE &  
MARQUEZ, answers the Complaint of the Plaintiffs by stating  
as follows:

1. Denies having knowledge or information sufficient to  
form a belief as to the truth of the allegations of paragraph 1.
2. Denies having knowledge or information sufficient to  
form a belief as to the truth of the allegations of paragraph 3.
3. Denies having knowledge or information sufficient to  
form a belief as to the truth of the allegations of paragraph 4.
4. Denies, upon information and belief, the allegations  
of paragraph 5.
5. Denies having knowledge or information sufficient to  
form a belief as to the truth of the allegations of paragraph 6.
6. Denies having knowledge or information sufficient to  
form a belief as to the truth of the allegations of paragraph 7.

7. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8.

8. Denies, upon information and belief, the allegations of paragraph 9 and respectfully refers all questions of law to this Honorable Court.

9. Denies, upon information and belief, the allegations of paragraph 10 and respectfully refers all questions of law to this Honorable Court.

10. Denies, upon information and belief, the allegations of paragraph 11 and respectfully refers all questions of law to this Honorable Court.

11. Denies, upon information and belief, the allegations of paragraph 12 and respectfully refers all questions of law to this Honorable Court.

12. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13.

13. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.

14. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19.

15. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20.

16. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21.

17. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22.

18. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23.

19. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24.

20. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25.

21. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26.

22. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 27.

23. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 28.

24. Responds to paragraph 29 of the Complaint by repeating, reiterating, and realleging all responses given to the paragraphs referred to therein with the same force and effect as if herein set forth at length.

25. Denies, upon information and belief, the allegations of paragraph 30(a)-30(m) and respectfully refers all questions of law to this Honorable Court.

26. Denies, upon information and belief, the allegations of paragraph 31 and respectfully refers all questions of law to this Honorable Court.

27. Denies, upon information and belief, the allegations of paragraph 32 and respectfully refers all questions of law to this Honorable Court.

28. Responds to paragraph 33 of the Complaint by repeating, reiterating, and realleging all responses given to the paragraphs referred to therein with the same force and effect as if herein set forth at length.

29. Denies, upon information and belief, the allegations of paragraph 34(a)-34(n) and respectfully refers all questions of law to this Honorable Court.

30. Denies, upon information and belief, the allegations of paragraph 35 and respectfully refers all questions of law to this Honorable Court.

31. Denies, upon information and belief, the allegations of paragraph 36 and respectfully refers all questions of law to this Honorable Court.

32. Responds to paragraph 37 of the Complaint by repeating, reiterating, and realleging all responses given to the paragraphs referred to therein with the same force and effect as if herein set forth at length.

33. Denies, upon information and belief, the allegations of paragraph 38 and respectfully refers all questions of law to this Honorable Court.

34. Denies, upon information and belief, the allegations of paragraph 39 and respectfully refers all questions of law to this Honorable Court.

35. Denies, upon information and belief, the allegations of paragraph 40 and respectfully refers all questions of law to this Honorable Court.

36. Denies, upon information and belief, the allegations of paragraph 41 and respectfully refers all questions of law to this Honorable Court.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE THIS  
ANSWERING DEFENDANT ALLEGES AS FOLLOWS:**

37. Upon information and belief the causes of action alleged in the Complaint fail to properly state, specify or allege a cause of action on which relief can be granted as a matter of law.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE THIS  
ANSWERING DEFENDANT ALLEGES AS FOLLOWS:**

38. Upon information and belief the causes of action alleged in the Plaintiffs Complaint fail to properly name a party necessary to this action.

WHEREFORE, this Defendant demands judgment dismissing the Complaint, together with costs and disbursements, and in the event any judgment or settlement is recovered herein against this Defendant, then this Defendant further demands that such judgment be reduced by the amount which is proportionate to the degree of culpability of any plaintiff, and this Defendant further demands judgment against each other party on the respective crossclaims

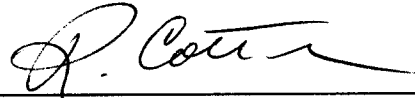
and/or counterclaims.

DATED: February 12, 2008  
White Plains, New York

Yours, etc.,

**EUSTACE & MARQUEZ**  
Attorneys for Defendant  
**JOAN GRANLUND**  
Office and Post Office  
Address  
1311 Mamaroneck Avenue  
3rd Floor  
White Plains, New York 10605  
(914) 989-6650

By:



---

Rose M. Cotter  
(RMC - 6092)

To:

Nixon Peabody LLP  
Attorneys for Plaintiff, Atlantic Casualty Insurance  
Company  
437 Madison Avenue  
New York, New York 10022

John McGraw  
825 5th Avenue, 15A  
New York, New York 10065

Marjorie McGraw  
825 5th Avenue  
Apartment 15A  
New York, New York 10065

UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
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ATLANTIC CASUALTY INSURANCE COMPANY,

Index No.: 07 CV  
11264

Plaintiff

**VERIFICATION**

v.

ELJIN CONSTRUCTION, JOHN MCGRAW, MARJORIE  
MCGRAY, AND JOAN GRANLUND,

Defendants  
-----x

Rose M. Cotter, an attorney duly admitted to practice  
law before the Courts of New York State, hereby affirms  
under the penalties of perjury pursuant to CPLR 2106:

I am an associate of the firm of EUSTACE & MARQUEZ,  
attorneys for the Defendant, Joan Granlund.

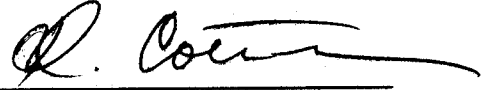
I submit the following statement upon information and  
belief, based upon an inspection of the records maintained by  
this office, which records I believe to be true.

That I have read the contents of the attached VERIFIED  
ANSWER TO COMPLAINT for Defendant Joan Granlund and believe  
it to be true based on information available or maintained  
by this firm. I make this verification because this  
Defendant is either a foreign corporation or is not located



in Westchester County.

DATED: February 12, 2008  
White Plains, New York

A handwritten signature in black ink, appearing to read "R. Cotter", written over a horizontal line.

Rose M. Cotter  
(RMC - 6092)

UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
-----x  
ATLANTIC CASUALTY INSURANCE COMPANY,

Index No.: 07 CV  
11264

Plaintiff

**NOTICE PURSUANT TO  
CPLR 2103**

v.

ELJIN CONSTRUCTION, JOHN MCGRAW, MARJORIE  
MCGRAY, AND JOAN GRANLUND,

Defendants  
-----x

**PLEASE TAKE NOTICE** that Defendant **Joan Granlund**, by her attorneys, **EUSTACE & MARQUEZ**, hereby serve(s) Notice upon you pursuant to Rule 2103 of the Civil Practice Law and Rules that it **expressly rejects** service of papers in this matter upon them by electronic means.

**PLEASE TAKE FURTHER NOTICE** that waiver of the foregoing may only be affected by express prior written consent to such service by **EUSTACE & MARQUEZ** and by placement thereby of **EUSTACE & MARQUEZ** electronic communication number in the address block of papers filed

with the Court.

DATED: February 12, 2008  
White Plains, New York

Yours, etc.,

**EUSTACE & MARQUEZ**  
Attorneys for Defendant  
**JOAN GRANLUND**  
Office and Post Office  
Address  
1311 Mamaroneck Avenue  
3rd Floor  
White Plains, New York 10605  
(914) 989-6650

By:



Rose M. Cotter  
(RMC - 6092)

To:

Nixon Peabody LLP  
Attorneys for Plaintiff, Atlantic Casualty Insurance  
Company  
437 Madison Avenue  
New York, New York 10022

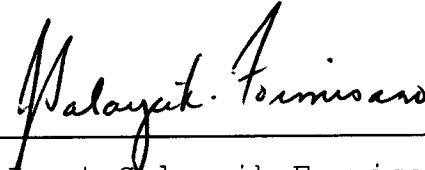
John McGraw  
825 5th Avenue, 15A  
New York, New York 10065

Marjorie McGraw  
825 5th Avenue  
Apartment 15A  
New York, New York 10065

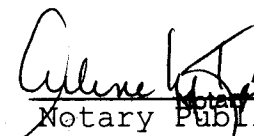
A true copy of the annexed **VERIFIED ANSWER TO COMPLAINT** and **NOTICE PURSUANT TO CPLR 2103** by depositing it endorsed in a postpaid properly addressed wrapper, in a post office or, official depository under the exclusive care and custody of the United States Postal Service within the State of New

York, at the address designated by him or her upon the last paper served by him or her in the action.

DATED: February 12, 2008  
White Plains, New York

  
\_\_\_\_\_  
Janet Salaycik-Formisano

Sworn and subscribed  
Before me on February 12, 2008

  
ARLENE M. KELLY  
Notary Public, State of New York  
Notary Public No. 01KE6049180  
Qualified in Rockland County  
Commission Expires 7/9/10

Index No.: 07 CV 11264

UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ATLANTIC CASUALTY INSURANCE COMPANY,

Plaintiff

against

ELJIN CONSTRUCTION, JOHN MCGRAW, MARJORIE MCGRAY,  
AND JOAN GRANLUND,

Defendants

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VERIFIED ANSWER TO COMPLAINT and NOTICE PURSUANT TO CPLR  
2103

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EUSTACE & MARQUEZ  
Attorneys for Defendant  
**Joan Granlund**  
Office and Post Office Address  
1311 Mamaroneck Avenue  
3rd Floor  
White Plains, New York 10605  
(914) 989-6650